

## **APPEALS COMMITTEE**

At a Meeting of the Appeals Committee held in the Council Chambers, Municipal Buildings, Station Road, Dumbarton on Thursday 17 September 2009 at 9.30 am.

**Present:** Councillors George Black, David McBride, Jonathan McColl and Ronnie McColl.

**Attending:** Nigel Ettles, Principal Solicitor.

**Apologies:** Apologies for absence were intimated on behalf of Councillors Jim Brown, Jim Finn, John Millar and Gail Casey.

### **Councillor George Black in the Chair**

#### **DECLARATIONS OF INTEREST**

It was noted that there were no declarations of interest.

#### **EXCLUSION OF PRESS AND PUBLIC**

The Committee approved the following resolution:-

“That under Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 7A to the Act”.

#### **MINUTES OF PREVIOUS MEETING**

The Minutes of Meeting of the Committee held on 20 August 2009 were submitted (tabled) and approved as a correct record.

#### **APPEAL AGAINST DISMISSAL (REF: APP/08/16)**

There were submitted background papers relating to an Appeal which had been submitted to the Council in relation to a dismissal. There was also submitted a note of the procedure to be followed at the Hearing of the Appeal.

The Appellant was present and was represented by Martin Doran of the GMB. The Department in which the Appellant had been employed was represented by Gavin Walsh, Solicitor.

Mr Walsh called as a witness John McKerracher, Head of Property and Technical Services. Mr McKerracher was questioned by Mr Walsh, Mr Doran and Members of the Committee.

Mr Doran called the Appellant as a witness. The Appellant was questioned by Mr Doran, Mr Walsh and Members of the Committee.

Mr Walsh and then Mr Doran summed up their respective cases and thereafter both parties withdrew from the meeting.

After the Committee had deliberated the matter in private, both parties were readmitted to the meeting. Having obtained confirmation from the Appellant that she would submit medical reports or allow Management to obtain medical reports, the Committee decided that the Hearing would be adjourned. The medical reports, which should cover the period June 2005 to September 2008, were required by the Committee to enable them to give full consideration to the mitigating circumstances put forward by the Appellant. The Hearing would be re-convened as soon as possible after the medical reports become available.

The meeting adjourned at 11.54 a.m.